

IN THE SENATE OF THE UNITED STATES.

MARCH 10, 1858.—Ordered to be printed.

Mr. JOHNSON, of Arkansas, submitted the following

REPORT.

The Committee on Military Affairs and the Militia, to whom was referred the petition of Alexander Hays, having had the same under consideration, report:

The petitioner represents that while he was attached to the United States army in Mexico, in 1846, as a lieutenant, eighth infantry, he was obliged to act as disbursing officer, receiver of subsistence, &c. These duties were not incumbent upon him under his commission in the line, but arose from the exigencies of the service on several occasions; and in the settlement of his accounts at the treasury he finds himself charged with \$2,050 57 on cash account, and \$1,934 71 on account of subsistence stores. In the account making up this first item, Lieutenant Hays is charged with drafts made upon and paid by Captain R. E. Clary, in December, 1847—\$1,500—which, in his correspondence with the War Department, he pronounces forgeries, and he also declares that \$400, charged in the same account for “discount on draft,” was a fraud practiced upon him by his clerk. These are the only explanations made by Lieutenant Hays for these deficiencies, (the residue of the \$2,090 57 being errors in calculations, \$23 35; \$80 paid for clerk hire disallowed, and \$48 received by him from Captain J. H. Young, which he did not acknowledge.) For the second item, \$1,934 71, for sundry provisions turned over to him at Puebla, Mexico, in October, 1847, he does not account in any way, nor have any returns been received at the War Department showing their application to the public service; but some *unsigned* vouchers were left by him with his account in the Third Auditor’s office, for which, of course, he cannot be credited without some satisfactory explanation. The committee do not find any reasonable offsets to these charges against Lieutenant Hays, and report as follows:

Resolved, That the prayer of the petitioner be denied.

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March 11, 1855.—Ordered to be printed.

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Mr. Johnson, of Arkansas, submitted the following
REPORT.
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The Committee on Military Affairs and the Militia to whom was referred the petition of Alexander Hays, bearing and the same being a petition for relief from the payment of certain debts, have had the honor to report, as follows:

The petitioner represents that while he was attached to the United States army in Mexico in 1846, as a lieutenant eighth infantry, he was obliged to act as disbursing officer, receiver of moneys, &c. These duties were not recognized upon him under his commission in the regular army, and he was not entitled to the services of several officers; and in the settlement of his accounts, the treasury he had charged with \$2,000 of cash account, and \$1,000 of an account of expenses. In the account making up this cash account, Lieutenant Hays is charged with debts made good and paid by Captain H. E. Clay, in December, 1847—\$1,500—which, in his report to the War Department, he pronounced correct, and he also declares that \$100 charged in the same account, for moneys on draft, was a fund paid over to him by his clerk, and that the only explanations made by Lieutenant Hays for these debts, the residue of the \$2,000 being errors in calculation, \$25 for the \$20 paid for clerk hire disallowed, and \$25 received by him from Captain J. H. Young, which he did not acknowledge. For the second item, \$1,000, for sundry provisions turned over to him at Toluca, Mexico, in October, 1847, he does not account in any way, nor have any returns been received at the War Department showing their application to the public service, but some military vouchers were sent by him with his account to the Third Auditor's office, for which of course he cannot be credited without some satisfactory explanation. The committee do not find any reasonable cause to these charges against Lieutenant Hays, and report as follows:

That the prayer of the petition be denied, the interest of Joseph Vesper, one of the co-defendants, because vested in one of the co-defendants, who took possession under it of a certain tract of land in